

Charter
Applic

Joint Council

Joint Council - Kentucky
x 2783

July 25, 1958

C
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P
Y

Mr. Howard L. Haynes
Teamsters Local Union No. 783
1001-03 Hoffman Building
Louisville 2, Ky.

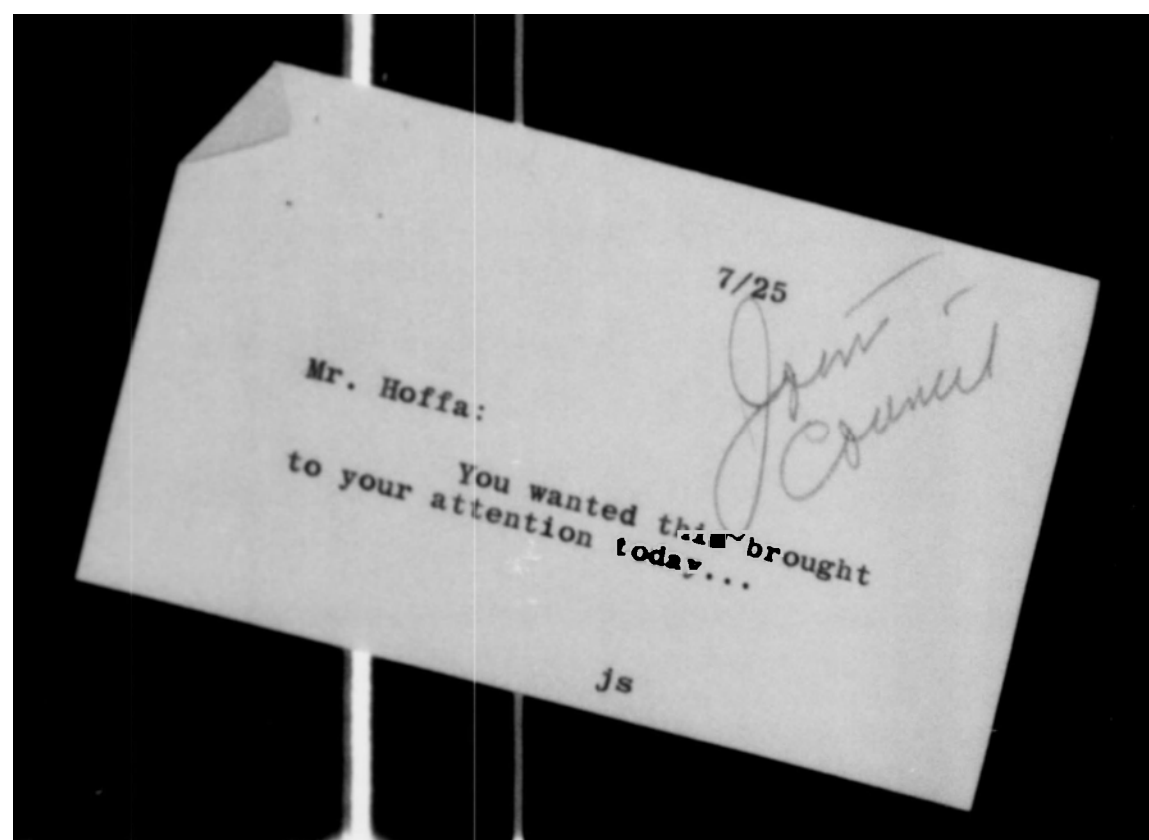
Dear Sir and Brother:

Concerning your request of May 9th in making an application for a charter of a Joint Council for the local unions in Louisville and Kentucky, this is to advise that I would appreciate your tabling this request at this time until we are able to work out our problems with the Masters.

Fraternaly yours,

James R. Hoffa,
General President

JRH/yk



EDWARD BENNETT WILLIAMS
EDWARD T. CHEYFITZ
THOMAS A. WADDEN, JR.
CHARLES P. MULDOON
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Law Offices
Edward Bennett Williams
1000 Hill Building
Washington 6, D.C.
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COUNSEL
JOHN W. GUIDER
COLMAN S. STEIN

July 8, 1958

Mr. Harold Gibbons
Executive Assistant to the General President
International Brotherhood of Teamsters
25 Louisiana Avenue, N. W.
Washington 1, D. C.

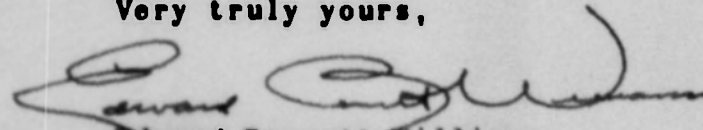
Re: State Conference Functions

Dear Mr. Gibbons:

With reference to the charter application for a Kentucky Joint Council, you asked my office to determine whether a State Conference could properly perform all the functions of a Joint Council under the provisions of the International Constitution.

For the reasons set forth in the attached memorandum I have concluded that a State Conference may not properly be substituted for a Joint Council.

Very truly yours,


Edward Bennett Williams
General Counsel

Attachment

MEMORANDUM

Re: State Conference Functions - EBW File #51
July 8, 1958

Harold Gibbons asked us last month to determine whether the Teamsters' constitution allowed a State Conference to perform all the functions of a Joint Council in those areas where there was no Joint Council. This request was apparently brought about by an application for a charter for a Kentucky Joint Council which was filed in May. At the present time there is no Joint Council in Kentucky, however, there is a Kentucky State Conference.

The first time that reference was ever made to a State Conference in the International constitution was in Article XV, Section 7(b) of the constitution adopted at the Miami convention. The section reads:

"The function of State Conferences shall be set forth in their by-laws which must be approved by the General Executive Board."

The functions of the Joint Council are specifically stated in various places in the International constitution and certain areas of activity are clearly arrogated to the Council.

There is apparently only one area of activity in which the functions of the Joint Council and the State Conference are equated. This is in Article XII, Section 11(a) dealing with the necessity for approval of certain collective bargaining contracts. This section calls for such contracts to be submitted to the Joint Council for approval. In the absence of a Joint Council the proposed contract must be submitted to either the State or the Area Conference.

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There are certain other areas in which Joint Council action is required. The most important of these is the exercise of judicial or appellate power. Article XV, Section 4(a) and (b) (dealing with the judicial powers of a Joint Council) and Article XVIII, Section 2(a) (dealing with its appellate power) specifically state that in the absence of a Joint Council action is to be taken directly by the General Executive Board. Article XI, Section 1(c) requires a Local Union, before becoming involved in a strike, a boycott, or a law suit, to notify the Joint Council. There is no mention of what is to be done absent a Joint Council but the clear indication is that action is then reserved to the General President. Article VII, Section 3, dealing with applications for a Local charter, requires said application to be made to the Joint Council. If there is no Joint Council, the Area Conference (Eastern, Central, Southern, or Western) is given the authority to act. Finally, Article XVII, Section 2(a), dealing with transfers, while not specifically so stating, indicates that the General President should act absent a Joint Council.

In all these areas in which the Joint Council is given the authority to act, specific provision is made for other subordinate bodies to take appropriate action if there is no Joint Council. I think it can safely be said that a State Conference is precluded from acting under these provisions of the constitution.

There are occasional areas where it might be permissible for a State Conference to act in the absence of a

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Joint Council. For example, the settlement of certain jurisdictional disputes under Article XII, Section 12, and the charter of miscellaneous Local Unions under Article XVI, Sections 1(a) and (b).

I think certain general conclusions can be drawn from this analysis.

1. Certain areas are clearly set aside for the functions of the Joint Council. In these areas a State Conference may not operate since the constitution specifically provides which body is to take jurisdiction in the absence of a Council.

2. By custom, State Conferences have generally been limited to a coordinating function and have been given no specific powers.

3. The "chain of authority" has always been from the Local Union through the Joint Council to the General Executive Board. Neither the Area Council nor the State Conference is generally included in that "chain."

As a direct reply to Mr. Gibbons' question, I think it follows that a State Conference may not legally perform all the functions of a Joint Council under the constitution. As a matter of fact, I think a reasonable interpretation of the constitution is that the State Conference may not be substituted for a Joint Council under the present set-up of the International organization.

RWB

CHARTER APPLICATION
Joint Council - Kentucky
783

Inter-Office Communication

From the Office of the General President

Date June 5, 1958

To Mr. Edward T. Chayfetz

Subject Request for Joint Council
charter.

Kindly check our Constitution to determine whether a State Conference is the
absence of a Joint Council can legally perform all the functions of a Joint
Council under our International Constitution.

H. J. Gibbons
Executive Assistant to
the General President

HJG/jp
Enc.

Inter-Office Communication

From the Office of the General President

To Mr. Edward T. Choytitz

Date June 5, 1958

Subject Request for Joint Council charter.

Kindly check our Constitution to determine whether a State Conference in the absence of a Joint Council can legally perform all the functions of a Joint Council under our International Constitution.

H. J. Gibbons
Executive Assistant to
the General President

HJG/jk
Enc.

INTER-OFFICE COMMUNICATION

From the Office of JOHN F. ENGLISH

Date: May 13, 1958

To: MR. H. J. GIBBONS

Subject: REQUEST FOR JOINT COUNCIL CHARTER

Attached hereto is a letter having reference to an application for a charter for a joint council covering the local unions in Louisville as well as the State of Kentucky. This matter is referred to your office for disposition.

JOHN F. ENGLISH
GENERAL SECRETARY-TREASURER

JFE:mjc
Attachment

Milk, Ice Cream Drivers and Dairy Employees

JOHNNY CHAVIS, PRESIDENT
HOWARD L. HAYNES, SECRETARY-TREASURER & BUSINESS REPRESENTATIVE

1001-03 HOFFMAN BLDG.
PHONE JUNIOR 4-2104
LOUISVILLE 2, KY.

Local Union No. 583

May 9, 1958

John P. English
General Secretary-Treasurer
25 Louisiana Avenue
Washington 1, D. C.

Dear Sir and Brother:

I wish to make application for a charter for a Joint Council for the Local Unions in Louisville and Kentucky. The jurisdiction of this Council will generally be over the same geographical area as the Kentucky Conference of Teamsters.

Would you please advise me as to the necessary steps to be taken to conclude this.

Fraternally yours,

Howard L. Haynes

HLS:dlw